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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.138 OF 2007

Devraya Sheshgiri Padiyar Petitioner
versus
Prakash Mohanlal Advani & anr. Respondents

Mr.S.S.Patwardhan for petitioner.
Mr.Mankapure for respondent no.1.

CORAM : A.S.OKA, J.

DATE : 29th June 2007

PC :

1. Shri Patwardhan on instructions of the revision applicant states that the revision applicant is not pressing the civil revision application on merits. He submitted that longer time to vacate of about five years may be granted. He submitted that the age of the daughter of the applicant is 19 years and the revision applicant needs to earn by continuing his business for the purposes of marriage of his daughter. Shri Mankapure appearing for respondent no.1 opposed the prayer. He submitted that the first respondent has no objection if time of about two years is granted. However, he

opposed the prayer for grant of more time.

2. I have considered the submissions. The revision applicant is not pressing the revision application on merits. Thus, the decree for possession shall attain finality. If this revision application was to remain pending in this Court for final hearing, it is obvious that the same would not have reached for many years.

3. The revision applicant is running a restaurant in the suit premises for a considerably long time. Considering the fact that he is not pressing the application on merits, time deserves to be granted till 30th June 2010 to vacate the suit premises. The grant of time will be subject to applicant and his adult family members filing an usual undertaking within four weeks from today. Hence, I pass the following order.

4. ORDER :-

a) Revision application is dismissed as not pressed. No order as to costs;

b) Notwithstanding dismissal of the revision

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application, the decree for possession shall not be executed till 30th June 2010 subject to applicant and all his adult family members filing usual undertakings in this Court on or before 26th July 2007. If compliance is not made, the decree for possession shall become executable;

c) Parties and all concerned to act on an ordinary copy of this order duly authenticated by the Registry of this Court.

(A.S.OKA, J.)